

Senate Bill 190

By: Senators Brush of the 24th, Lee of the 29th and Cagle of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to torts, so as to provide for denial of or limitation on recovery
3 of damages to certain persons injured while committing felonies, uninsured motorists, drivers
4 injured while under the influence of alcohol or drugs, and motorists injured while driving
5 with suspended or revoked drivers' licenses; to provide for related matters; to provide an
6 effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general
10 provisions relative to torts, is amended by adding immediately following Code Section
11 51-1-6 a new Code Section 51-1-6.1 to read as follows:

12 "51-1-6.1.

13 (a) No person who has been convicted of a felony may recover damages in a civil action
14 in tort for any injury proximately caused while such person was engaged in the commission
15 of such felony or while in immediate flight therefrom.

16 (b) Except as provided in subsection (d) of this Code section, in any civil action to recover
17 damages arising out of the operation or use of a motor vehicle, a person shall not recover
18 noneconomic losses to compensate for pain, suffering, inconvenience, physical impairment,
19 disfigurement, or other nonpecuniary damages if any of the following applies:

20 (1) The injured person was at the time of the accident operating the vehicle in violation
21 of Code Section 40-6-391 and was convicted of that offense;

22 (2) The injured person was the owner and operator of a motor vehicle involved in the
23 accident and the vehicle was not insured as required by the laws of this state; or

24 (3) The injured person was the operator of a motor vehicle involved in the accident and
25 had a revoked or suspended driver's license.

1 (c) Except as provided in subsection (d) of this Code section, an insurer shall not be liable
2 directly or indirectly under a policy of liability or uninsured motorist insurance to
3 indemnify for noneconomic losses of a person injured as described in subsection (b) of this
4 Code section.

5 (d) In the event a person described in paragraph (2) or (3) of subsection (b) of this Code
6 section was injured by a motorist who at the time of the accident was operating his or her
7 vehicle in violation of Code Section 40-6-391 and was convicted of that offense, the
8 injured person shall not be barred from recovering noneconomic losses to compensate for
9 pain, suffering, inconvenience, physical impairment, disfigurement, or other nonpecuniary
10 damages."

11 **SECTION 2.**

12 This Act shall become effective on July 1, 2001, and shall be applicable to actions for
13 injuries sustained after such date.

14 **SECTION 3.**

15 All laws and parts of laws in conflict with this Act are repealed.